

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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**RECORD PACKET COPY**

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Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-096

APPLICANT: Paul Azzi

PROJECT LOCATION: 6395 Zuma Mesa Drive, Malibu, Los Angeles County
APN 4467-016-010

PROJECT DESCRIPTION:

Construction of a new 5,606 sq. ft., 28 ft. high, two-story single family residence (SFR), with 440 sq. ft. of balconies, 750 sq. ft. attached three-car garage, driveway, swimming pool, septic system, retaining walls, and 1100 cu. yds. of grading (650 cu. yds. cut, 450 cu. yds. fill, 200 cu. yds. export).

Lot area: 63,175 (1.45 ac.)
Building coverage: 3,913 sq. ft.
Pavement coverage: 2,000 sq. ft.
Landscape coverage: 20,000 sq. ft.
Unimproved area: 37,175 sq. ft.
Maximum height: 28 ft.

LOCAL APPROVALS RECEIVED: : Approval in Concept, City of Malibu Planning Department, dated 5/3/2001; City of Malibu Environmental Health Department Approval in Concept (Septic), dated 12/18/2000; Approval in Concept, City of Malibu, Geology and Geotechnical Engineering Review Sheet, dated 2/21/2001; Los Angeles County Fire Department Preliminary Fuel Modification Plan Approval, dated 4/16/2001.

SUBSTANTIVE FILE DOCUMENTS: Preliminary Geotechnical and Geologic Investigation for Proposed Two Single Family Residential Development, by Soilutions, Inc., dated 7/21/2001; Limited Supporting Geologic Report for Two Proposed Seepage Pits, by Soilutions, Inc., dated 11/30/2000; City of Malibu Plot Plan Review Determination, Site Plan Review Determination, and Minor Modification Determination for 6385 and 6395 Zuma Mesa Drive, dated 4/23/2001; Response Number Two to City of Malibu Review Sheet, by Soilutions, dated 1/30/2001; Addendum to Response Number Two to City of Malibu Review Sheet, by Soilutions, dated 2/15/2001;

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **7 Special Conditions** regarding (1) conformance to geologic recommendations for design and construction, (2) drainage and polluted run-off control, (3) landscaping and erosion control, (4) removal of excavated material, (5) color and design restriction, (6) future development, and (7) wildfire waiver of liability.

The applicant is proposing to construct a new 5,606 sq. ft., 28 ft. high, two-story single family residence (SFR), with 440 sq. ft. of balconies, 750 sq. ft. attached three-car garage, driveway, swimming pool, septic system, retaining walls, and 1100 cu. yds. of grading (650 cu. yds. cut, 450 cu. yds. fill, 200 cu. yds. export) at 6395 Zuma Mesa Drive (Exhibits 3-8).

The subject site consists of vacant parcel located approximately 400 feet north of the intersection of Kanan Dume Road and Pacific Coast Highway in a moderately developed area in the City of Malibu (Exhibits 1-2). The subject parcel is situated on a west facing slope which descends approximately 70 feet from Zuma Mesa Drive to Kanan Dume Road. The overall slope ratio on site is approximately 6:1, though in some sections the gradient increases to 4:1.

Vegetation at the project site is highly degraded due to fuel modification clearance associated with adjacent development and with the proximity to Kanan Dume Road. The entire site is disked, and no native vegetation remains. No designated environmentally sensitive habitat area exists at the site. As mentioned, the project site is located inland of Pacific Coast Highway and adjacent to Kanan Dume Road in a moderately developed area in Malibu. The proposed project will be highly visible from Kanan Dume Road, a designated scenic highway in the Malibu/Santa Monica Mountains Land Use Plan. The proposed project, as conditioned, is consistent with all applicable policies of the Coastal Act.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-096 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California

Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Plans Conforming to Geologic Recommendation**

All recommendations contained in the Responses to City of Malibu Geology and Geotechnical Engineering Review Sheet, dated 11/30/00, 1/30/01, 2/15/01, 2/19/01, *Preliminary Geotechnical and Geologic Investigation for Proposed Two Single Family Residential Development*, by Soilutions, Inc., dated 7/21/2001, and *Limited Supporting Geologic Report for Two Proposed Seepage Pits*, dated 11/30/2000, shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

2. Drainage and Polluted Runoff Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and engineering geologist to ensure the plan is in conformance with consultants' recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.

The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical consultants to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-

indigenous plant species which tend to supplant native species shall not be used. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence.

- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence and retaining walls to minimize the visibility of the development from Kanan Dume Road.
- (4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (5) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project

site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. Removal of Excavated Material

Prior to issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

5. Color and Restriction

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by approval of Coastal Development Permit 4-01-096. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited

to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit 4-00-096 if such changes are specifically authorized by the Executive Director as complying with this special condition.

Prior to the issuance the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Future Improvements

This permit is only for the development described in Coastal Development Permit No. 4-01-096. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit No. 4-01-096 shall require an amendment to Permit No. 4-01-096 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include legal description of the applicant's entire parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. Wildfire Waiver of Liability

Prior to the issuance of a coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is currently proposing to construct a new 5,606 sq. ft., 28 ft. high, two-story single family residence (SFR), with 440 sq. ft. of balconies, 750 sq. ft. attached three-car garage, driveway, swimming pool, septic system, retaining walls, and 1100 cu. yds. of grading (650 cu. yds. cut, 450 cu. yds. fill, 200 cu yds. export) at 6395 Zuma Mesa Drive. (Exhibits 3-8)

The subject site consists of a 1.45 acre vacant parcel located approximately 400 feet north of the intersection of Kanan Dume Road and Pacific Coast Highway in a moderately developed area in the City of Malibu (Exhibits 1-2). The subject parcel is situated on a west facing slope which descends approximately 70 feet from Zuma Mesa Drive to Kanan Dume Road. The overall slope ratio on site is approximately 6:1, though in some sections the gradient steepens to 4:1. The residences are proposed to be located along the upper portion of the slope, adjacent to Zuma Mesa Drive.

Vegetation at the project site is highly degraded due to fuel modification clearance associated with the existing adjacent development and the proximity to Kanan Dume Road which borders the site on the west. The entire site has been disked previously, and no native vegetation remains. The applicant has submitted Fuel Modification Plans with Preliminary Approval by the County of Los Angeles Fire Department, Fuel Modification Unit, dated 4/16/01, which indicate that vegetation removal and/or thinning requirements to reduce fire hazard will overlap on areas previously disturbed by yearly fuel modification completed for adjacent development. Additionally, much of the fuel modification will overlap onto the adjacent site to the north which is also pending review by the Commission at this hearing (CDP #4-01-095) for a single family residence by the same applicant (Exhibit 2). Furthermore, no designated environmentally sensitive habitat area exists at the site. As such, the proposed development will not have an adverse impact on designated sensitive habitat areas or significant natural vegetation.

The project site is located inland of Pacific Coast Highway and adjacent to Kanan Dume Road in a moderately developed area in Malibu. The proposed project will be highly visible from the lower portion of Kanan Dume Road just before it intersects Pacific Coast Highway, therefore, development at the site has the potential to adversely impact public scenic views. Potential impacts of the proposed development on public views are further addressed under Section C. Visual Resources.

The site has been the subject of two prior Coastal Commission actions. The first, CDP 5-90-646, was for subdivision of the parcel and its neighboring lot to the north into six residential lots with a total of 24,215 cu. yds. of grading. This project was approved with five special conditions on June 12, 1991; however, the applicant did not fulfill the special conditions within the required two year time period, and the permit subsequently lapsed in 1993. The second permit on the site, CDP 4-93-132, was again, for subdivision of the parcel and its neighboring lot into six residential lots. This permit proposed a total of 5,734 cu. yds. of grading, and was approved by the Commission on November 17, 1993, with special conditions regarding grading and landscaping, removal of excess cut material, mitigating cumulative impacts of development, and conformance with geologic recommendations. In part, the applicant was required to extinguish development rights on four lots within the Santa Monica Mountains coastal zone. The special conditions were never fulfilled for this permit, and the permit was never issued.

B. Geology and Fire Hazard

Section 30253 of the Coastal Act states in pertinent part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The proposed development is located in the Malibu/Santa Monica Mountains area, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The project site consists of a 1.45 acre, vacant hillside parcel consisting of a westerly facing slope on the order of 6:1. The building site for the proposed residence is located on the upper, eastern portion of the site, adjacent to Zuma Mesa Drive. As the slope descends towards Kanan Dume, steeper regions of 4:1 slope appear before flattening out to a level region of fill left over from the creation of Kanan Dume Road.

The applicant has submitted a Preliminary Geotechnical and Geologic Investigation for Proposed Two Single Family Residential Development, dated 7/21/2001, and a Limited Supporting Geologic Report for Two Proposed Seepage Pits, dated 11/30/2000, prepared by Soilutions, Inc., the project's geologic consultants. The submitted reports evaluate the geologic conditions of the site and the suitability of the site for the proposed project. The geology consultants address potential geologic hazards associated with the nearby faults, including the Malibu Coast Fault, located approximately 4,500 ft. north of the proposed building site, and the potential for groundwater seepage and soil expansion to adversely affect the proposed development. In evaluating the geologic conditions of the project site and adjacent properties in relation to the proposed development, the geology consultants have determined that the proposed project will be safe from geologic hazards provided their recommendations are incorporated into the proposed development. As a result of the expansive soils at the site and the potential for settlement and retention of water on-site, the consulting geologists in their *Preliminary Geotechnical and Geologic Investigation for Proposed Two Single Family Residential Development*, dated 7/21/2001, provide the following recommendations to ensure the safety and stability of the site and proposed development:

The topsoil is not suitable for structure or pavement support... The existing topsoil should be removed from the proposed structural areas... The on-site soils have a high potential for expansion. As a minimum, concrete slabs should be 4 inches thick, and reinforced with No. 3 bars... The site should be graded such that water will not pond anywhere on-site, especially along the foundations.

Based on their investigation and recommendations the geology consultants have determined that the project site is appropriate for the proposed project. The *Preliminary Geotechnical and Geologic Investigation for Proposed Two Single Family Residential Development*, dated 7/21/2001 by Soilutions, Inc., states:

No evidence of faults was observed in our two trenches or in our borings. The California Geo/Systems investigation of the site also found no evidence of faults... Based on our subsurface exploration, laboratory testing, engineering analysis, and our experience with similar sites and developments, the proposed developments are feasible from a geotechnical engineering standpoint provided the recommendations contained in this report are implemented into its design and construction.

Responses to City of Malibu Geology and Geotechnical Engineering Review Sheet, dated 11/30/00, 1/30/01, 2/15/01, 2/19/01, and the *Preliminary Geotechnical and Geologic Investigation for Proposed Two Single Family Residential Development*, by Soilutions, Inc., dated 7/21/2001, include several recommendations to be incorporated into the project's construction, design, and drainage to ensure stability and geologic safety of the project site. To ensure that the recommendations of the above mentioned consultants are incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultants shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will aid in maintaining the geologic stability of the project site, and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 2 and 3**. **Special Condition 2** also requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a non-erosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of **Special Condition 2**.

Erosion and sedimentation can also be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. As initially proposed, the project consisted of a total of 1,400 cu. yds. of grading (500 cu yds. of cut and 900 cu. yds. of fill, 400 cu. yds. import) for the site. Staff worked with the applicant in order to reduce the amount of landform alteration necessary for the construction of the residence. The applicant has submitted revised plans

which now estimate a total of 1,100 cu. yds. of grading (consisting of 650 cu. yds of cut, 450 cu. yds of fill, 200 cu. yds. export). The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. Therefore, **Special Condition 4** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site be removed and properly disposed of.

The Commission also finds that appropriate landscaping of slopes and graded or disturbed areas on the project site will minimize erosion and serve to enhance and maintain the geologic stability of the proposed development. Therefore, **Special Condition 3** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. **Special Condition 3** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition 3**.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition 7**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition 7**, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The subject site is located within a moderately developed area of Malibu, which is also characterized by expansive, naturally vegetated mountains and hillsides situated north of the building locations. The proposed development will be highly visible from Kanan Dume Road, a designated scenic highway in the Malibu/Santa Monica Mountains Land Use Plan.

The applicant is proposing to construct a new 5,606 sq. ft., 28 ft. high, two-story single family residence (SFR), with 440 sq. ft. of balconies, 750 sq. ft. attached three-car garage, driveway, swimming pool, septic system, retaining walls, and 1100 cu. yds. of grading (650 cu. yds. cut, 450 cu. yds. fill, 200 cu yds. export) at 6395 Zuma Mesa Drive. As previously mentioned, the project site is located on a moderately developed hillside and consists of a west-facing parcel which descends to Kanan Dume Road. Grading for the proposed project is required for the residences, terrace areas, pools, and driveways.

The Commission notes that the applicant is proposing to construct the proposed development with a design and location that minimizes the potential for impacts on visual resources as viewed from Kanan Dume Road. Access to the property is from Zuma Mesa Drive, a private road which borders the property to the east. Utilizing this road minimizes visual impacts associated with excessive grading and landform alteration that would otherwise be required if access proposed to the residences from Kanan Dume Road. The proposed development is clustered on the eastern portion of the project site, nearest Zuma Mesa Drive, and therefore will minimize the visual impact of the development as seen from Kanan Dume Road in proximity and bulk. Additionally, the applicant has submitted landscaping plans that utilize native plant materials compatible with the surrounding area which will serve to further reduce the visual impact of the development.

The applicant initially proposed a total of 1,400 cu. yds. of grading (500 cu yds. of cut and 900 cu. yds. of fill, 400 cu. yds. import) for the project. In response to staff concerns regarding the amount of grading and landform alteration necessary for the project, the applicant worked with staff to reduce the amount of grading to a total of 1,100 cu. yds. (650 cu. yds. cut, 450 cu. yds. fill, 200 cu. yds. export). This was accomplished through the implementation of a 6 foot high retaining wall which runs along the western portion of the development footprint. The use of landscaping elements will serve to break up and soften the visual impacts of the wall from Kanan Dume Road.

Despite the mitigation measures incorporated into the proposed project to minimize visual impacts, the proposed development will be visible from Kanan Dume Road. Due to the highly visible nature of the project site from Kanan Dume Road, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

The Commission finds it necessary to require the applicant to record a deed restriction providing specific limitations on the materials and colors acceptable for the development on the subject site, as specified in **Special Condition 5**. These restrictions generally limit colors to natural tones that will blend with the background of the environment and require the use of non-glare glass. White, metallic, and red tones are not acceptable. If fully implemented by present and future owners of the proposed residence, **Special Condition 5** will ensure that development of the site will be as visually unobtrusive as possible.

In addition, visual impacts associated with the proposed retaining walls, grading, and the structure itself, can be further reduced by the use of appropriate and adequate landscaping. The applicant has provided a landscaping plan utilizing native, noninvasive plant species compatible with natural vegetation of the surrounding area consistent with **Special Condition 3**. **Special Condition 3**, the landscaping and fuel modification plan, also requires that vertical screening elements be incorporated into the landscaping plan to soften views of the proposed residence and retaining walls. Implementation of **Special Condition 3** will serve to partially screen and soften the visual impact of the development as seen Kanan Dume Road. In order to ensure that the final approved landscaping plans are successfully implemented, **Special Condition 3** also requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

Finally, regarding future developments or improvements, certain types of development to the property, normally associated with a single-family residence which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the entire property, which might otherwise be exempt, are reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition 6** the Future Development Deed Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Therefore the Commission finds that, as conditioned, the proposed development will minimize adverse impacts to scenic public views in this area of the Santa Monica Mountains, and is consistent with section 30251 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of

marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

As described, the proposed project includes construction of a new 5,606 sq. ft., 28 ft. high, two-story single family residence (SFR), with 440 sq. ft. of balconies, 750 sq. ft. attached three-car garage, paved driveway, swimming pool, septic system, retaining walls, and 1100 cu. yds. of grading (650 cu. yds. cut, 450 cu. yds. fill, 200 cu. yds. export) (Exhibits 3-8). The site is considered a hillside development, as it involves sloping terrain with soils that are susceptible to erosion.

The proposed development will result in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which,

insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Two (2)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Three (3)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of on-site septic systems utilizing a 3000-gallon to serve the residence. The applicant's geologic consultants performed percolation tests and evaluated the proposed septic systems. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the City of Malibu Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states:

- A) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).***

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for the Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

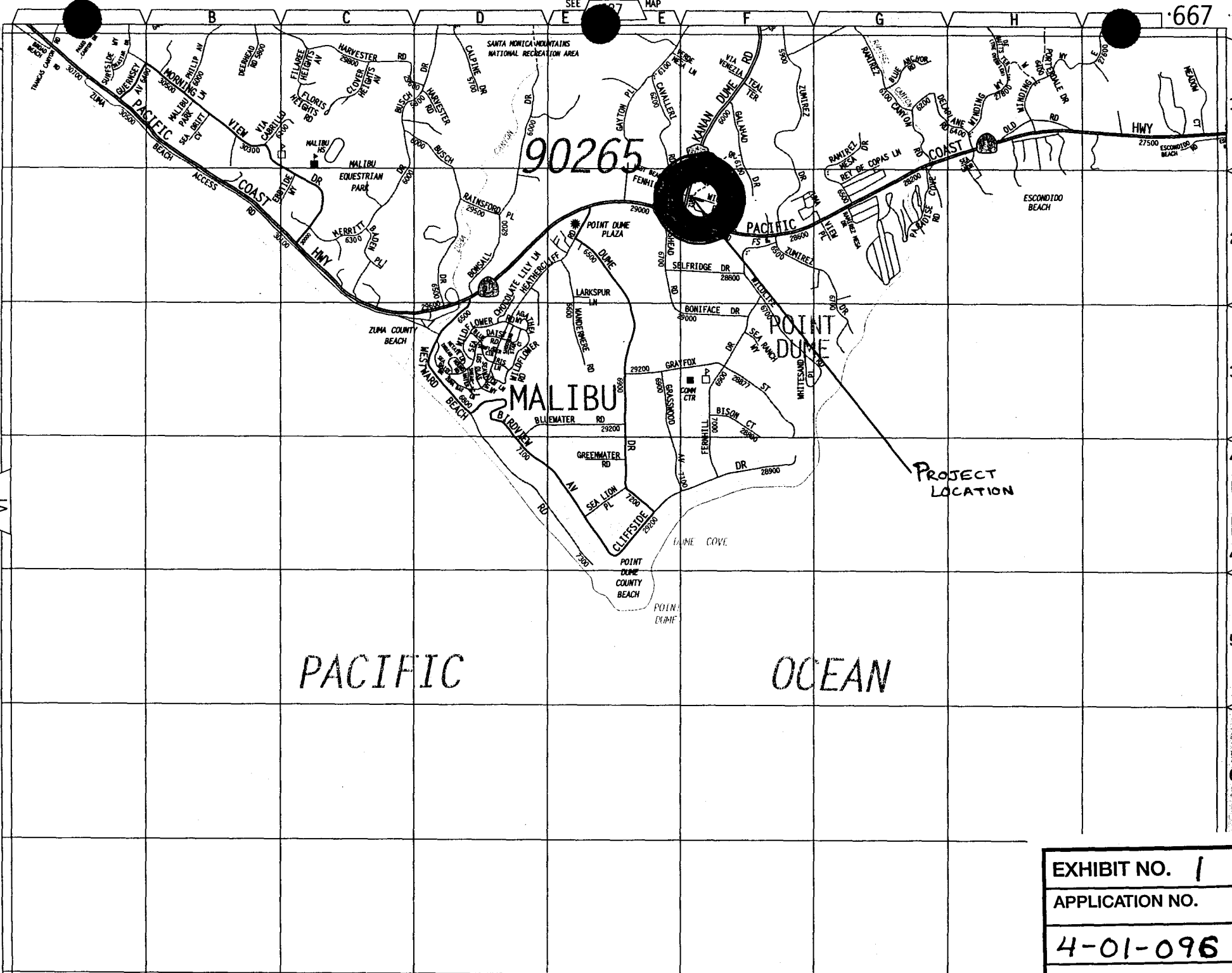


EXHIBIT NO. 1
APPLICATION NO.
4-01-096
VICINITY MAP

Lots 9 & 10
Brush Clearance Map
6385; 6395 Zuma Mesa Drive

← NORTH

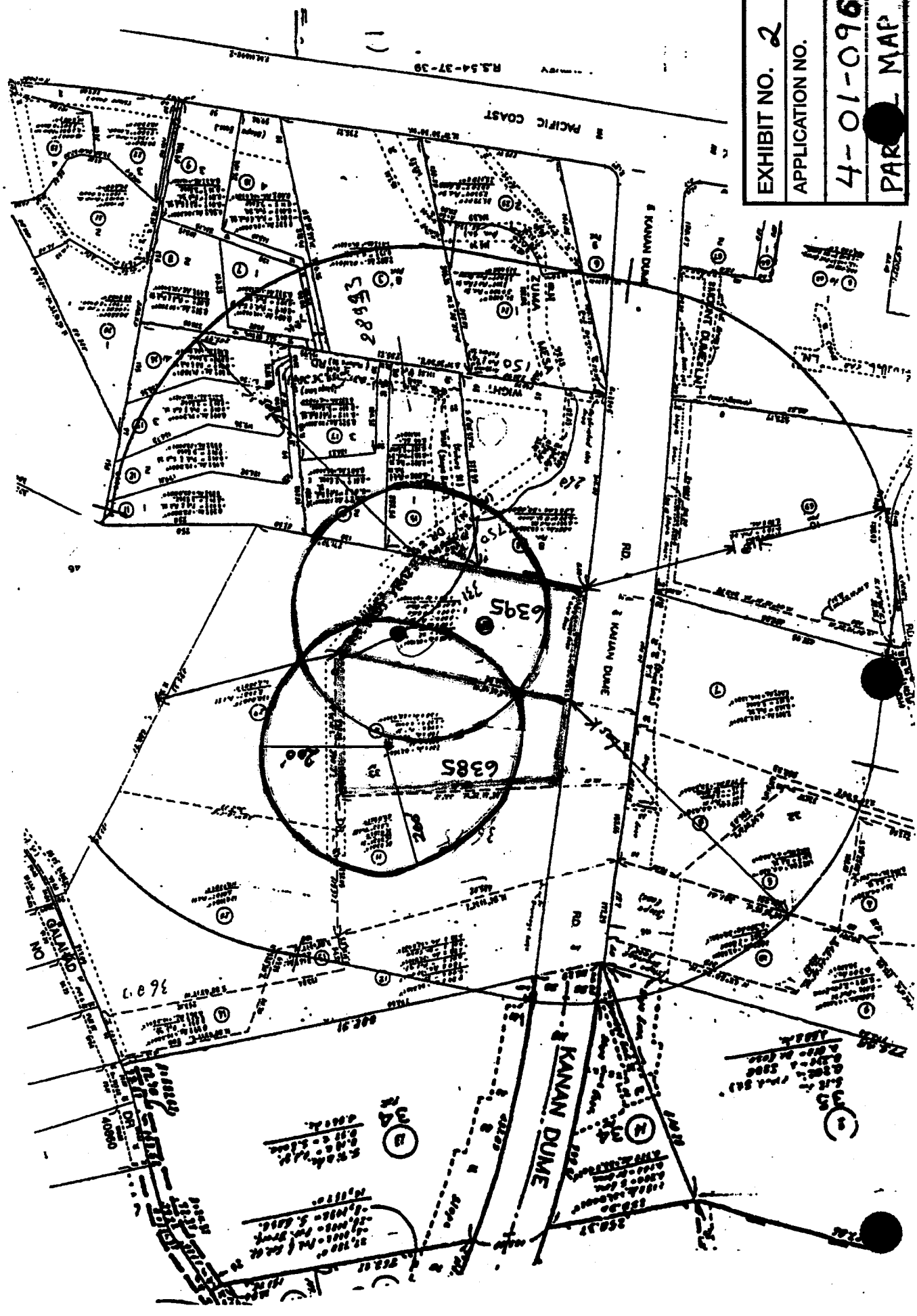


EXHIBIT NO. 2
APPLICATION NO.
4-01-096
PAR - MAP

APN: 4467016-009
695 ZUMA MEDIA DRIVE (PRIVATE)
MALIBU, CA, 90265
OWNER: PAUL AZZI

- LEGEND**
- FS FINISHED SURFACE ELEVATION
 - FC FINISHED CONTOUR
 - FL FLOW LINE ELEVATION
 - TD TOP OF DITCH
 - CF CURB FACE
 - FF FINISH FLOOR
 - TC TOP OF CURB
 - AP ASPHALT
 - GP GRAVEL
 - SB SAND
 - TOB TOP OF GRAVE ELEVATION
 - WEVERT ELEVATION
 - PROPOSED ELEVATION
 - CEILING ELEVATION
 - TOB TOP OF CURB
 - TOB TOP OF GRAVE
 - CUT & FILL THRESHOLD
 - DEVIANT LINE
 - PROPOSED CONTOUR LINE
 - EXISTING CONTOUR LINE
 - DIRECTION OF FLOW
 - 8" PVC DRAIN PIPE @ 1/8" MIN
 - 12" 117" PVC CATCH BASIN
 - PROPOSED SEWER PIT
 - EXISTING SEWER PIT
 - LOCATION OF EXHAUSTION SHOWING CALLED TO WEDGE
 - CALIFORNIA GEOSYSTEMS TRACER TAP
 - LOCATION OF TRENCH

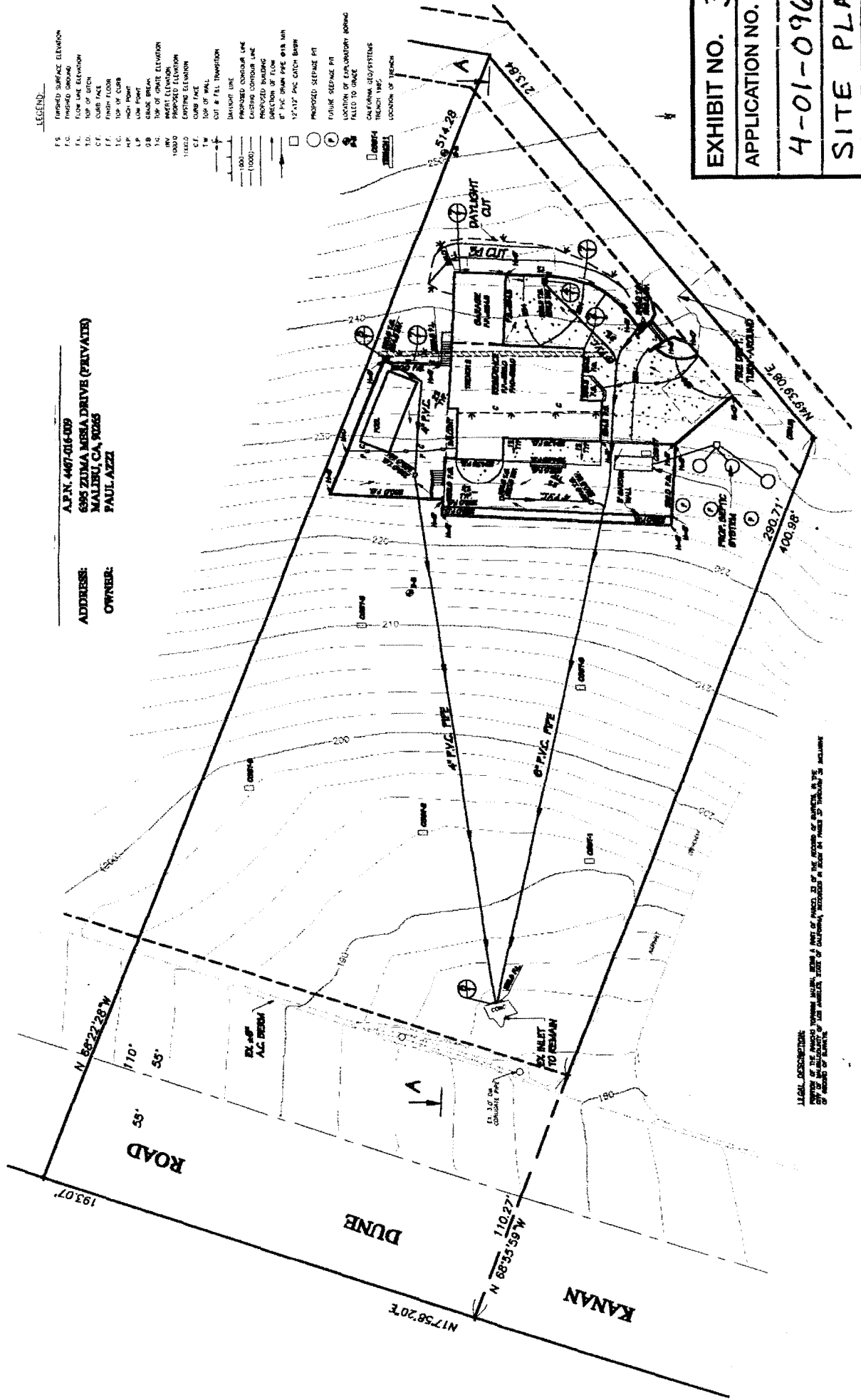
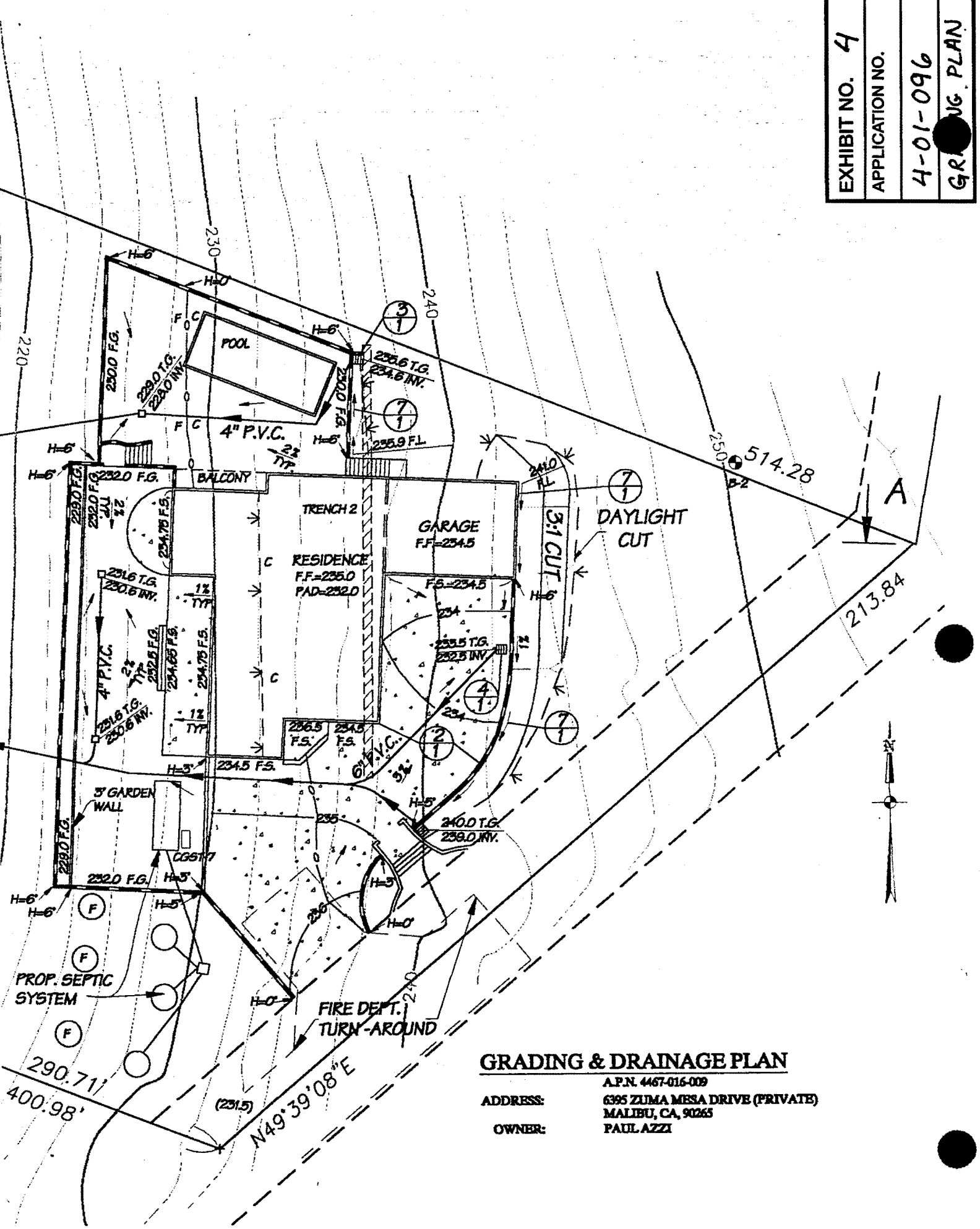


EXHIBIT NO. 3
APPLICATION NO.
4-01-096
SITE PLAN

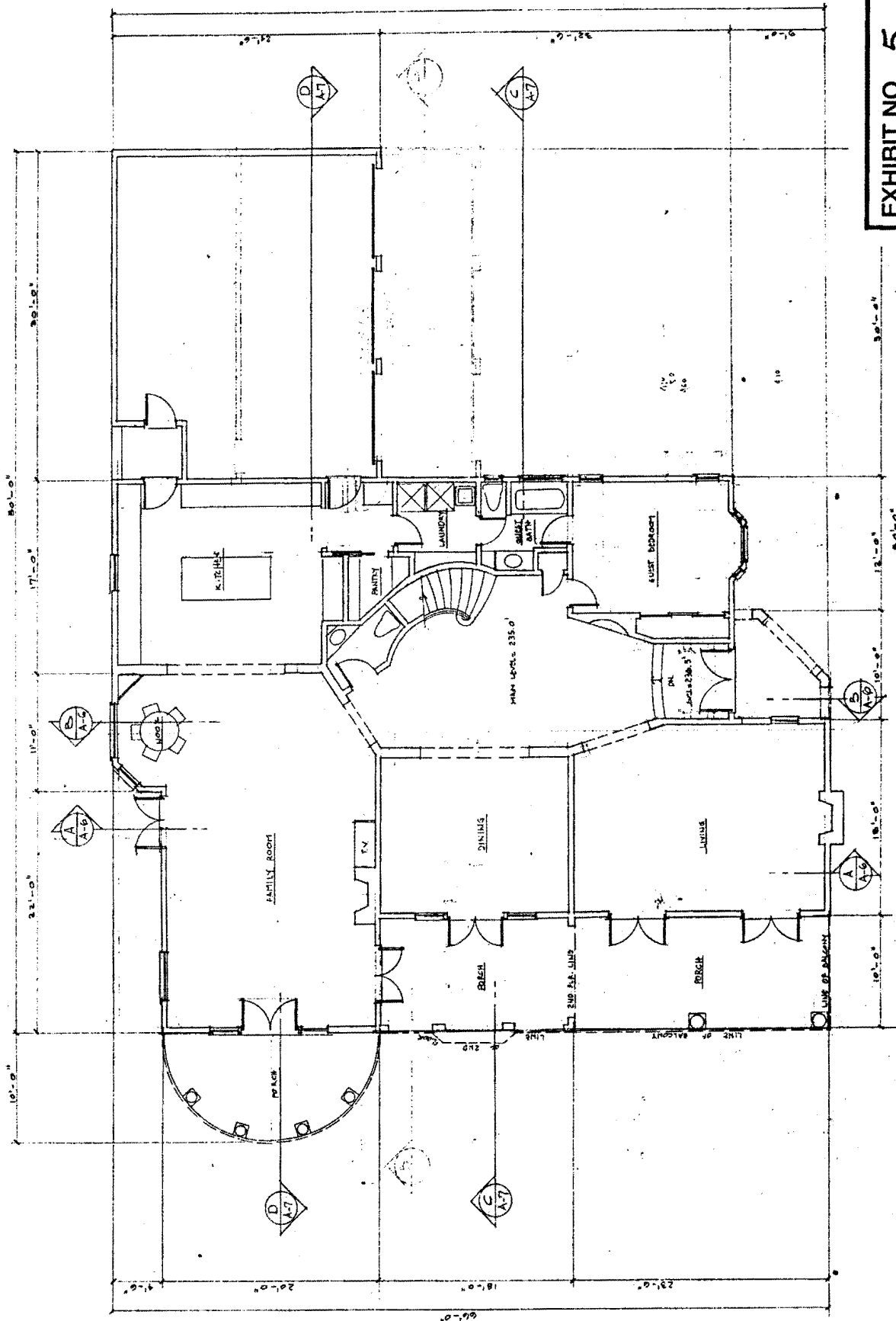
LEGAL DESCRIPTION:
 PART OF THE TRACT OF 10 ACRES MORE OR LESS, BEING ALL OF THE SE 1/4 OF THE SE 1/4 OF SECTION 29, T4S, R11E, S. MALIBU, CALIFORNIA, AS SHOWN ON THE MAP OF THE COUNTY OF LOS ANGELES, CALIFORNIA, RECORDED IN BOOK 24 OF RECORDS OF PLATS, AT PAGE 10 OF SAID RECORDS.

EXHIBIT NO. 4
APPLICATION NO.
4-01-096
GRADING PLAN



GRADING & DRAINAGE PLAN

A.P.N. 4467-016-009
 ADDRESS: 6395 ZUMA MESA DRIVE (PRIVATE)
 MALIBU, CA, 90265
 OWNER: PAUL AZZI

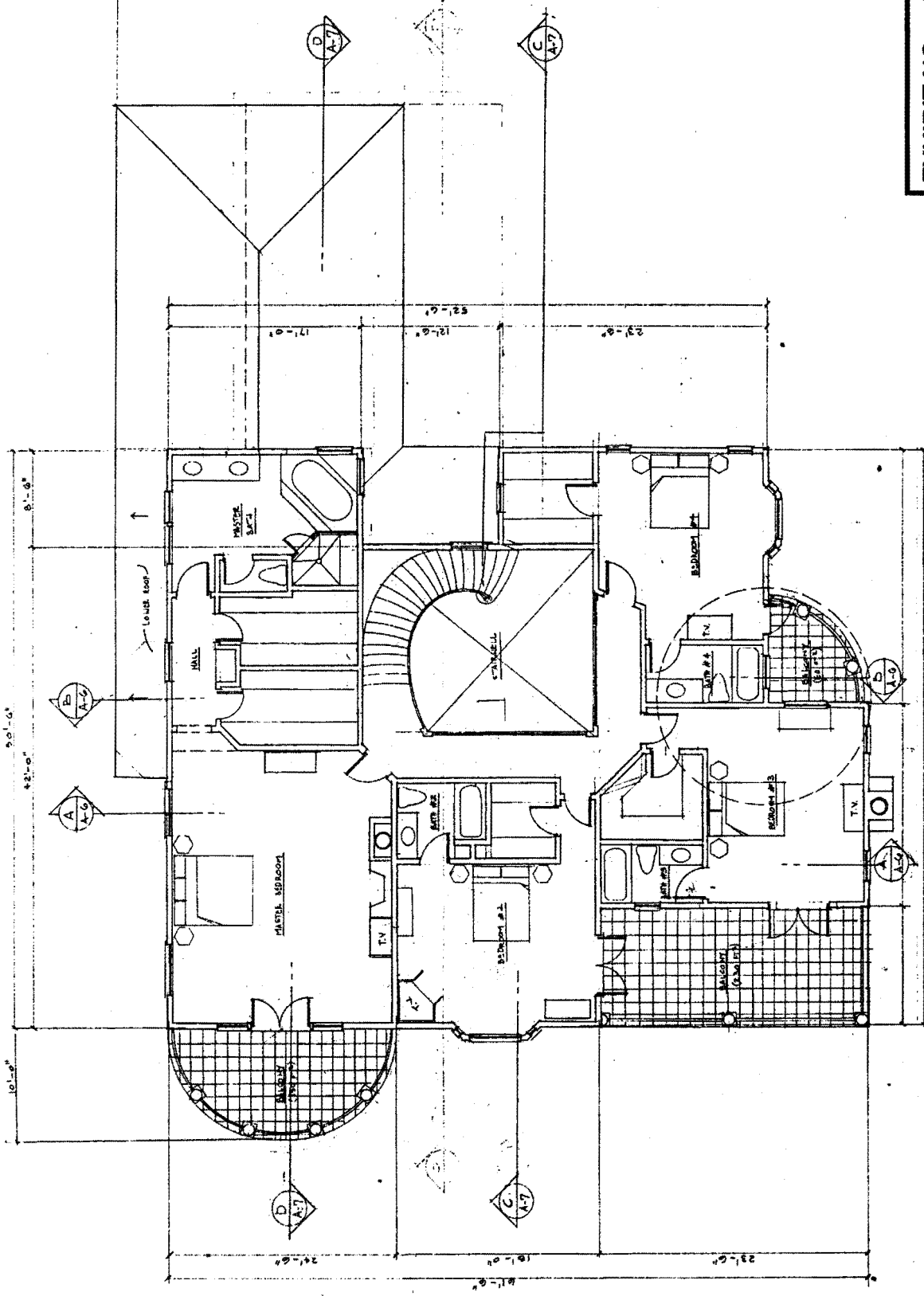


FIRST FLOOR PLAN
 TOTAL AREA: 3360 SQ. FT. (INCLUDES GARAGE)

EXHIBIT NO. 5
APPLICATION NO.
4-01-096
FLOOR PLAN (1)

St. Investors
 NCLE-FAMILY RESIDENCE FOR

EXHIBIT NO. 6
APPLICATION NO.
H-01-096
FLOOR PLAN (2)



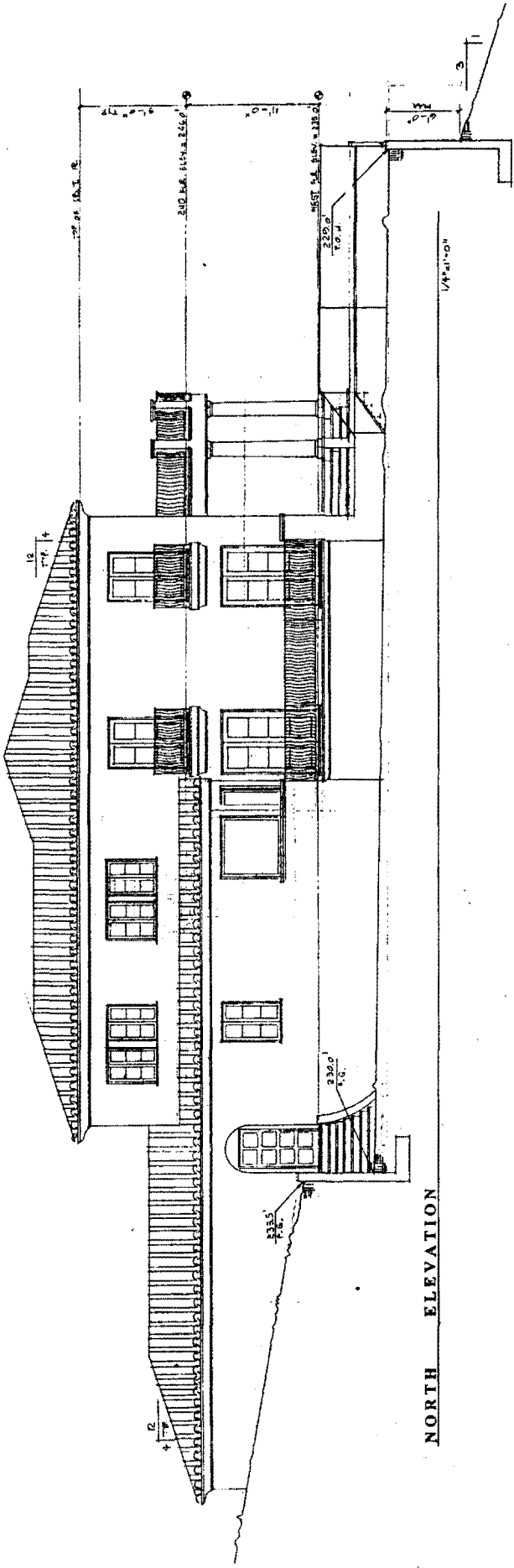
SECOND FLOOR PLAN
 FLOOR AREA = 2260 S.F. FLOOR AREA ABOVE 10'-0" = 260 S.F. BALCONIES = 449 S.F. TOTAL FLOOR AREA = 2550 S.F.

EXHIBIT NO. 7

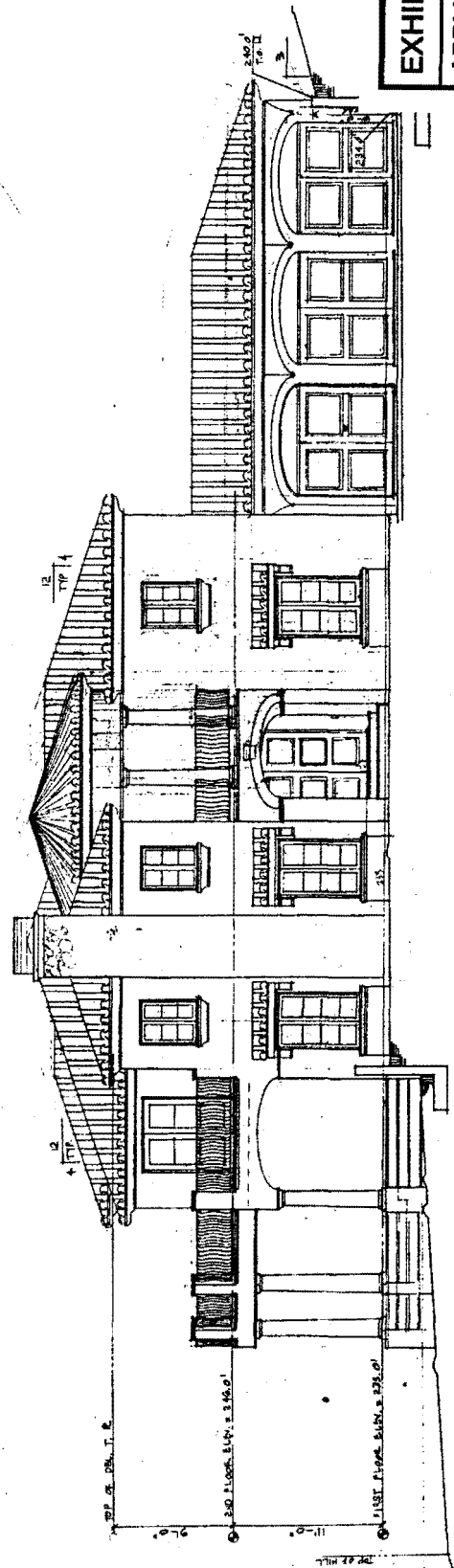
APPLICATION NO.

4-01-096

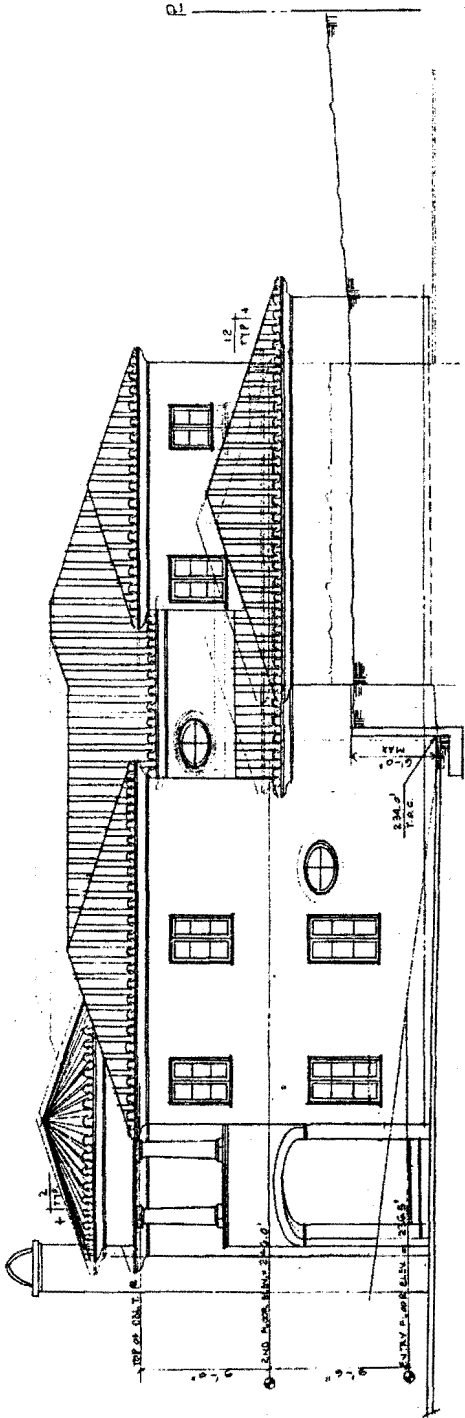
ELEVATIONS ①



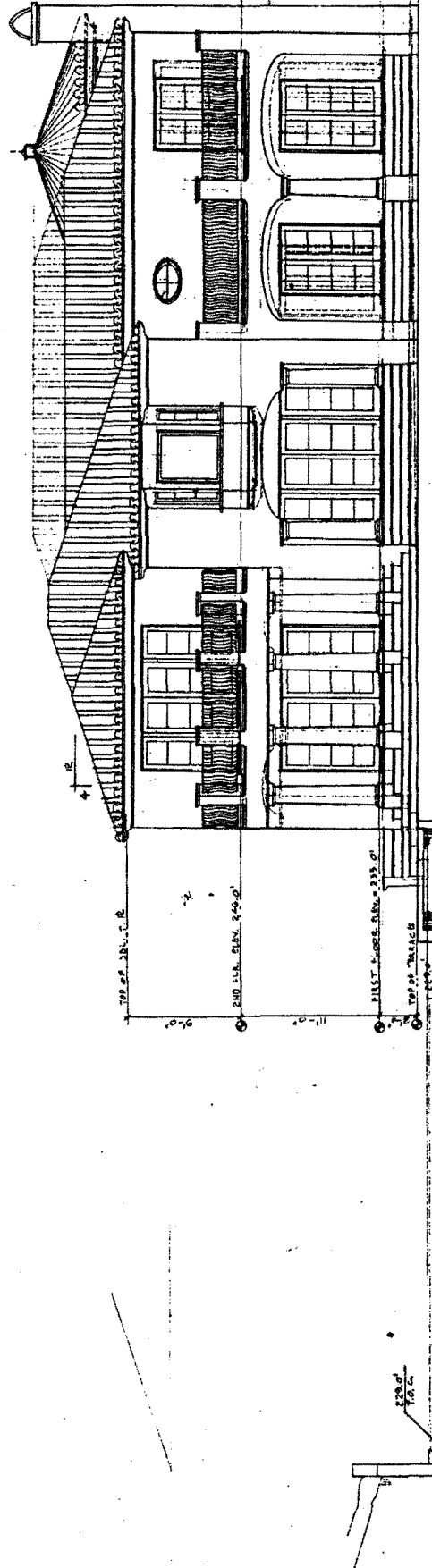
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

EXHIBIT NO. 8

APPLICATION NO.

4-01-096

ELECTIONS (4)

h St. Investors
SINGLE-FAMILY RESIDENCE FORM